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APPLICATION N	10. F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,388	•	07/01/2005	Gudrun Rappold-Hoerbrand	2951-140	6384
6449	7590	09/29/2006		EXAM	INER
ROTHW	ELL, FIGO	SAOUD, CH	SAOUD, CHRISTINE J		
1425 K S	TREET, N.W	Ý.	·		
SUITE 800				ART UNIT	PAPER NUMBER
WASHINGTON DC 20005				1/47	

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/541,388	RAPPOLD-HOERBRAND ET AL.					
Office Action Summary	Examiner	Art Unit					
	Christine J. Saoud	1647					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timwill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	I.  nely filed  the mailing date of this communication.  D (35 U.S.C. § 133).					
Status	·						
1)⊠ Responsive to communication(s) filed on <u>01 July</u> 2a)□ This action is <b>FINAL</b> . 2b)⊠ This     3)□ Since this application is in condition for allowed closed in accordance with the practice under E	action is non-final.  nce except for formal matters, pro	secution as to the merits is					
Disposition of Claims		•					
4) Claim(s) 1-17 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-17 are subject to restriction and/or or control of the strict of t	wn from consideration.						
Application Papers							
<ul> <li>9) The specification is objected to by the Examine</li> <li>10) The drawing(s) filed on is/are: a) acc</li> <li>Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct</li> <li>11) The oath or declaration is objected to by the Examine</li> </ul>	epted or b) objected to by the Edrawing(s) be held in abeyance. See tion is required if the drawing(s) is obj	e 37 CFR 1.85(a). lected to. See 37 CFR 1.121(d).					
Priority under 35 U.S.C. § 119							
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate					

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## **DETAILED ACTION**

Applicant's preliminary amendment filed 01 July 2005 has been received and entered. Claims 6-7, 11, 15 and 17 have been amended. Claims 1-17 are currently pending.

## Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1, 6, 7, 11, 12 and 17, drawn to pharmaceutical compositions of natriuretic peptide.

Group II, claims 2, 3, 13-14, drawn to pharmaceutical compositions of natriuretic peptide and growth hormone.

Group III, claims 4, 5, 8-10, 15 and 16, drawn to pharmaceutical compositions of natriuretic peptide and SHOX protein.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature for the following reasons: the prior art recognizes the special technical feature of claim 1, namely, pharmaceutical compositions of naturietic peptide. See WO 02/074234. It is noted that the claims

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recite intended use, however, this bears no patentable weight on the compositions, which would be the same regardless of how they are used. Therefore, this cannot serve as a basis for unity of invention and unity of invention does not exist. The technical feature of Group I is the pharmaceutical compositions of natriuretic peptide. The technical feature of Group II is the pharmaceutical compositions of natriuretic peptide and growth hormone in combination. The technical feature of Group III is the pharmaceutical compositions of natriuretic peptide and SHOX protein in combination.

## Conclusion

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Christine J. Saoud whose telephone number is 571-272-0891. The Examiner can normally be reached on Monday-Friday, 6AM to 2:30PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brenda Brumback can be reached on 571-272-0961. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free).

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR system, contact the Electronic

CHRISTINE J. SAOUD PRIMARY EXAMINER